

**In the Matter Of:**

**LAURIE ORTOLANO vs**

**CITY OF NASHUA**

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**MICHAEL CARIGNAN**

*April 19, 2024*

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MICHAEL CARIGNAN

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<p style="text-align: right;">Page 14</p> <p>1 on, okay?</p> <p>2 MR. CULLEN: Sure. I believe I have</p> <p>3 those here.</p> <p>4 MR. MALAGUTI: I know you produced them</p> <p>5 because I had pulled them down, and I just can't</p> <p>6 get access to them, so. Thank you.</p> <p>7 BY MR. MALAGUTI:</p> <p>8 Q. Okay. So, Mr. Carignan, I can't see</p> <p>9 the document that you're looking at, but I believe</p> <p>10 it's from -- is it from June of 2019, somewhere in</p> <p>11 that area?</p> <p>12 A. Yes, June 26, 2019.</p> <p>13 Q. And could you describe that document to</p> <p>14 us, please.</p> <p>15 A. Sure. It's a -- as you stated, it's a</p> <p>16 supplemental document, meaning a supplemental</p> <p>17 report to a larger report that just indicates</p> <p>18 something that happened within that case. It was a</p> <p>19 report written by Captain John Lehto, based on a</p> <p>20 meeting that I had with him attending a meeting at</p> <p>21 City Hall.</p> <p>22 Q. Now, this is in regard to an</p> <p>23 investigation that would eventually be done by the</p> <p>24 Nashua Police Department regarding the Nashua</p> <p>25 Assessing Department, right?</p>	<p style="text-align: right;">Page 15</p> <p>1 A. Correct, yes, sir.</p> <p>2 Q. And it's fair to say if that was</p> <p>3 brought to your attention by a woman named Laurie</p> <p>4 Ortolano and perhaps another woman with her named</p> <p>5 Laura -- I believe it's pronounced Colquhoun?</p> <p>6 A. Correct.</p> <p>7 MR. MALAGUTI: And if someone knows</p> <p>8 better than me, I'm going to make an attempt at</p> <p>9 spelling Colquhoun for the stenographer. I</p> <p>10 believe it's C-O-L-Q-U-H-O-U-N. Does that sound</p> <p>11 right, if you can find it somewhere?</p> <p>12 MR. CULLEN: That appears to be</p> <p>13 correct.</p> <p>14 MS. ORTOLANO: It's C-A-L,</p> <p>15 C-A-L-Q-U-H-U-O-N (sic).</p> <p>16 MR. MALAGUTI: C-A-L. Okay. Thank</p> <p>17 you, Laurie.</p> <p>18 BY MR. MALAGUTI:</p> <p>19 Q. You just came into a different view, so</p> <p>20 you're still there. My apologies. You bounced</p> <p>21 down on the screen.</p> <p>22 Do you have a recollection,</p> <p>23 Mr. Carignan, about your meeting with what I'll</p> <p>24 call the two Laurie and Laura?</p> <p>25 A. The meeting with Laurie and Laura, I</p>
<p style="text-align: right;">Page 16</p> <p>1 didn't have any specific memory of that meeting. I</p> <p>2 know I've spoken to Laurie several times.</p> <p>3 Q. When is the first time you ever spoke</p> <p>4 with Laurie?</p> <p>5 A. I'll be honest, I'm not sure. We've</p> <p>6 had several conversations. So -- go ahead.</p> <p>7 Q. Let me put them chronologically. Did</p> <p>8 you have conversations with her prior to</p> <p>9 discussing the investigation into the Nashua</p> <p>10 Assessing Department?</p> <p>11 A. Yes.</p> <p>12 Q. In what forum would these conversations</p> <p>13 occur?</p> <p>14 A. Well, so, again, we had several</p> <p>15 conversations, some we had seen each other at City</p> <p>16 Hall a couple of times over some different issues,</p> <p>17 but she came to me to the police department to</p> <p>18 speak to me about her concerns with those</p> <p>19 allegations.</p> <p>20 Q. So the meeting about the Nashua</p> <p>21 Assessing Department was a face-to-face meeting at</p> <p>22 the police department?</p> <p>23 A. I believe so, yes.</p> <p>24 Q. Was it just a conversation or did it</p> <p>25 involve her showing you documents?</p>	<p style="text-align: right;">Page 17</p> <p>1 A. I believe she showed us some documents.</p> <p>2 Again, we had several meetings, I apologize if the</p> <p>3 chronology is not right, but Laurie had excellent</p> <p>4 documentation as to her allegations and her</p> <p>5 concerns.</p> <p>6 Q. At some point did she give police</p> <p>7 officers some documentation that they retained?</p> <p>8 A. Yes.</p> <p>9 Q. And how soon after you first met with</p> <p>10 Laurie at the police department to discuss these</p> <p>11 allegations did you end up going over to the</p> <p>12 mayor's office for the meeting that was documented</p> <p>13 in Exhibit 1?</p> <p>14 A. I don't exactly remember the day she</p> <p>15 came over, so I can't give you an exact time, but</p> <p>16 it would be within a couple of days. It was -- we</p> <p>17 took it seriously, and we would have gone over</p> <p>18 pretty quickly to start looking into it.</p> <p>19 Q. At that point when she contacted you,</p> <p>20 would you say that you were in charge of the</p> <p>21 matter?</p> <p>22 A. The allegations came to me and I</p> <p>23 directed it to go towards the detective bureau, so,</p> <p>24 yes. In charge of assigning it, yes. In charge of</p> <p>25 handling it, no.</p>

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<p style="text-align: right;">Page 30</p> <p>1 topics we would talk about.</p> <p>2 Q. And when you say the relationship,</p> <p>3 you're referring, of course, to your city business</p> <p>4 relationship?</p> <p>5 A. Correct.</p> <p>6 Q. Okay.</p> <p>7 A. Correct.</p> <p>8 Q. How long had you known Kim Kleiner</p> <p>9 before June 26, 2019?</p> <p>10 A. I can't remember if I met her as a</p> <p>11 captain or a deputy chief. I was pretty active in</p> <p>12 community activities, I felt that was important, so</p> <p>13 it was -- we did a lot of work with the Arlington</p> <p>14 Street Community Center, and that's when I really</p> <p>15 got to know her well, which would have been as a</p> <p>16 deputy chief, so 2016 to 2019, roughly.</p> <p>17 Q. And the Arlington Street Community</p> <p>18 Center is some type of charitable organization, I</p> <p>19 gather?</p> <p>20 A. Well, it's a city-owned property that</p> <p>21 we opened -- we opened a community center out of.</p> <p>22 Q. Okay. And how long have you known the</p> <p>23 mayor, James Donchess?</p> <p>24 A. I've known him since he was sworn in as</p> <p>25 mayor, so --</p>	<p style="text-align: right;">Page 31</p> <p>1 Q. The first time or the second time?</p> <p>2 A. No. No, the second time. Well, the</p> <p>3 second set of times. I don't -- we may have had</p> <p>4 some interactions when he was a union</p> <p>5 representative, but I don't -- I don't remember</p> <p>6 having enough interaction to say I knew him,</p> <p>7 because I was never the union steward.</p> <p>8 Q. Now, Mayor Donchess was at one point a</p> <p>9 union representative?</p> <p>10 A. Yes, he was, he represented the</p> <p>11 Patrolmen's Union.</p> <p>12 Q. He represented the Patrolmen's Union as</p> <p>13 an attorney, am I --</p> <p>14 A. Correct. For the collective</p> <p>15 bargaining, yes.</p> <p>16 Q. So he was not a patrolman or an</p> <p>17 employee at any time of the Nashua --</p> <p>18 A. No, no, no.</p> <p>19 Q. Okay.</p> <p>20 A. He was not.</p> <p>21 Q. And when would this have been, the</p> <p>22 early aughts, the early 2000s, or before then?</p> <p>23 A. No, it might have been right around</p> <p>24 those times. I don't remember when he started as</p> <p>25 the union representative, as the attorney</p>
<p style="text-align: right;">Page 32</p> <p>1 representing the union. It was a good chunk of his</p> <p>2 non-political time, if that answers your question.</p> <p>3 So he's been consistently a part of</p> <p>4 collective bargaining for the police department for</p> <p>5 a majority of the time that I've been there, I was</p> <p>6 there.</p> <p>7 Q. And did you ever have a social</p> <p>8 relationship with the mayor, a non-business</p> <p>9 relationship?</p> <p>10 A. No, I did not.</p> <p>11 Q. Never went out to dinner with him and</p> <p>12 his wife or anything of the like?</p> <p>13 A. No.</p> <p>14 Q. And Ms. Kleiner, did you ever have a</p> <p>15 social relationship with Ms. Kleiner?</p> <p>16 A. No.</p> <p>17 Q. Okay. So what time was the meeting</p> <p>18 convened on June 26th, 2019?</p> <p>19 A. According to the report, it's 9:00 in</p> <p>20 the morning.</p> <p>21 Q. And who was present?</p> <p>22 A. Myself, Captain John Lehto, Mayor</p> <p>23 Donchess, and Kim Kleiner.</p> <p>24 Q. And did this take place in the mayor's</p> <p>25 conference room?</p>	<p style="text-align: right;">Page 33</p> <p>1 A. Yes.</p> <p>2 Q. And I'm going to ask you to remember</p> <p>3 what was said during that meeting, and I'll</p> <p>4 probably just go person by person as to, you know,</p> <p>5 who said what. What did you say at the meeting?</p> <p>6 A. So the purpose of the meeting and what</p> <p>7 I said was informing the mayor that there was a</p> <p>8 criminal complaint alleged against employees at</p> <p>9 City Hall, and that we would be investigating the</p> <p>10 case, and we would be conducting an investigation,</p> <p>11 or detectives from the Nashua Police Department</p> <p>12 would be conducting an investigation into those</p> <p>13 allegations and we would be speaking with multiple</p> <p>14 employees at City Hall.</p> <p>15 Q. Did you say anything else that you</p> <p>16 remember?</p> <p>17 A. No.</p> <p>18 Q. And when you said -- when you described</p> <p>19 the criminal investigation, did you describe the</p> <p>20 types of allegations that had been made?</p> <p>21 A. No, we tried to keep all -- all those</p> <p>22 facts to really a minimum. It wasn't his business</p> <p>23 what we were investigating. Him and Kim were both</p> <p>24 well aware of what they were, they had been told of</p> <p>25 the allegations that were made or they had found</p>



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<p style="text-align: right;">Page 38</p> <p>1 Q. Larry. Am I pronouncing his last name</p> <p>2 correctly?</p> <p>3 A. Yes.</p> <p>4 Q. Did anyone tell you that Mr. Budreau</p> <p>5 had already interviewed some of the assessors?</p> <p>6 A. I don't remember that, but according to</p> <p>7 the report, he had already interviewed several</p> <p>8 employees.</p> <p>9 Q. I don't have the report in front of me.</p> <p>10 Does the report name the people who were</p> <p>11 interviewed?</p> <p>12 A. According to the report it said Greg</p> <p>13 Turgiss had already been interviewed by director of</p> <p>14 human resources, Larry Budreau.</p> <p>15 Q. Did you know Greg Turgiss from before</p> <p>16 this?</p> <p>17 A. I did not.</p> <p>18 Q. Did you know Gary Turgiss from before</p> <p>19 this?</p> <p>20 A. I did not.</p> <p>21 Q. And we've already talked about Kim</p> <p>22 Kleiner. Okay. Do you remember Ms. Kleiner</p> <p>23 saying anything about the city providing full</p> <p>24 support as needed, or anything to that effect?</p> <p>25 A. No. I mean, my recollection is that</p>	<p style="text-align: right;">Page 39</p> <p>1 both she and the mayor said they understood. They</p> <p>2 said they welcomed an investigation and we would</p> <p>3 get cooperation.</p> <p>4 Q. Okay. And do you remember anything</p> <p>5 that the mayor said? I know you relayed a couple</p> <p>6 of instances where you couldn't remember if it was</p> <p>7 the mayor or Kleiner, so I'm asking for additional</p> <p>8 statements that you can remember above and beyond</p> <p>9 those.</p> <p>10 A. No, that's it.</p> <p>11 Q. And how did the meeting end? Did</p> <p>12 someone give instructions, or did someone say</p> <p>13 time's up? Or if you recall, how did it end?</p> <p>14 A. No, it just -- it was pretty obvious</p> <p>15 that the topic of discussion was over, so we just</p> <p>16 said goodbyes.</p> <p>17 Q. And do you remember how long the</p> <p>18 meeting lasted for? I think you said it began at</p> <p>19 9:00. Do you remember what time you got out?</p> <p>20 A. I don't. It was a fairly short</p> <p>21 meeting. Our purpose was not to talk about</p> <p>22 anything other than this.</p> <p>23 Q. Short as in less than a half an hour,</p> <p>24 short as in less than 15 minutes, can you</p> <p>25 estimate? If you have no memory, that's fine.</p>
<p style="text-align: right;">Page 40</p> <p>1 A. No, if I had to estimate, I'd say</p> <p>2 between 15 minutes and a half an hour.</p> <p>3 Q. And when you left the meeting, did you</p> <p>4 and Captain Lehto continue to talk about what</p> <p>5 transpired in the meeting?</p> <p>6 A. No. If I remember the conversation was</p> <p>7 more who it was going to be assigned to, and just</p> <p>8 to make sure they did a thorough job.</p> <p>9 Q. And when you talked about who it was</p> <p>10 going to be assigned to, did you know at that</p> <p>11 point that Lieutenant Mederos was going to be</p> <p>12 assigned, or is that one of the people who -- that</p> <p>13 Lehto mentioned to you?</p> <p>14 A. So Lieutenant Mederos would be assigned</p> <p>15 in the manner that it's an investigation being done</p> <p>16 by the criminal investigation bureau. He was the</p> <p>17 CID -- CIB lieutenant so it would flow to him to</p> <p>18 pass down to the sergeant and the detectives.</p> <p>19 Q. And at some point you came to</p> <p>20 understand that Mederos and Lehto didn't do the</p> <p>21 whole investigation themselves, they assigned it</p> <p>22 downward?</p> <p>23 A. Correct.</p> <p>24 Q. Do you know who got the assignments?</p> <p>25 A. Ultimately Frank Lombardi got it. I'm</p>	<p style="text-align: right;">Page 41</p> <p>1 sure he was assisted by other detectives, other --</p> <p>2 his supervisors, his sergeants would have been</p> <p>3 involved as well, but he was the lead detective.</p> <p>4 Q. And at the time his position was</p> <p>5 detective?</p> <p>6 A. Correct.</p> <p>7 Q. And do you know how long after the</p> <p>8 meeting the assignment to Detective Lombardi</p> <p>9 occurred?</p> <p>10 A. I don't.</p> <p>11 Q. And you knew Detective Lombardi</p> <p>12 previously of course from being in the same</p> <p>13 department together?</p> <p>14 A. Correct.</p> <p>15 Q. And by the way, when the meeting</p> <p>16 occurred, you were not yet chief, right? You were</p> <p>17 deputy chief, is that right?</p> <p>18 A. Correct. At the time the current</p> <p>19 chief, Andrew Lavoie, was on what we call terminal</p> <p>20 leave. He was on time off between the time of his</p> <p>21 vacation time, unused vacation and sick time, and</p> <p>22 the time of his retirement, so I was acting in the</p> <p>23 role of -- still a deputy chief, but I was</p> <p>24 acting -- I guess you call it acting chief. It</p> <p>25 wasn't an official title.</p>

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<p style="text-align: right;">Page 38</p> <p>1 Q. Larry. Am I pronouncing his last name 2 correctly? 3 A. Yes. 4 Q. Did anyone tell you that Mr. Budreau 5 had already interviewed some of the assessors? 6 A. I don't remember that, but according to 7 the report, he had already interviewed several 8 employees. 9 Q. I don't have the report in front of me. 10 Does the report name the people who were 11 interviewed? 12 A. According to the report it said Greg 13 Turgiss had already been interviewed by director of 14 human resources, Larry Budreau. 15 Q. Did you know Greg Turgiss from before 16 this? 17 A. I did not. 18 Q. Did you know Gary Turgiss from before 19 this? 20 A. I did not. 21 Q. And we've already talked about Kim 22 Kleiner. Okay. Do you remember Ms. Kleiner 23 saying anything about the city providing full 24 support as needed, or anything to that effect? 25 A. No. I mean, my recollection is that</p>	<p style="text-align: right;">Page 39</p> <p>1 both she and the mayor said they understood. They 2 said they welcomed an investigation and we would 3 get cooperation. 4 Q. Okay. And do you remember anything 5 that the mayor said? I know you relayed a couple 6 of instances where you couldn't remember if it was 7 the mayor or Kleiner, so I'm asking for additional 8 statements that you can remember above and beyond 9 those. 10 A. No, that's it. 11 Q. And how did the meeting end? Did 12 someone give instructions, or did someone say 13 time's up? Or if you recall, how did it end? 14 A. No, it just -- it was pretty obvious 15 that the topic of discussion was over, so we just 16 said goodbyes. 17 Q. And do you remember how long the 18 meeting lasted for? I think you said it began at 19 9:00. Do you remember what time you got out? 20 A. I don't. It was a fairly short 21 meeting. Our purpose was not to talk about 22 anything other than this. 23 Q. Short as in less than a half an hour, 24 short as in less than 15 minutes, can you 25 estimate? If you have no memory, that's fine.</p>
<p style="text-align: right;">Page 40</p> <p>1 A. No, if I had to estimate, I'd say 2 between 15 minutes and a half an hour. 3 Q. And when you left the meeting, did you 4 and Captain Lehto continue to talk about what 5 transpired in the meeting? 6 A. No. If I remember the conversation was 7 more who it was going to be assigned to, and just 8 to make sure they did a thorough job. 9 Q. And when you talked about who it was 10 going to be assigned to, did you know at that 11 point that Lieutenant Mederos was going to be 12 assigned, or is that one of the people who -- that 13 Lehto mentioned to you? 14 A. So Lieutenant Mederos would be assigned 15 in the manner that it's an investigation being done 16 by the criminal investigation bureau. He was the 17 CID -- CIB lieutenant so it would flow to him to 18 pass down to the sergeant and the detectives. 19 Q. And at some point you came to 20 understand that Mederos and Lehto didn't do the 21 whole investigation themselves, they assigned it 22 downward? 23 A. Correct. 24 Q. Do you know who got the assignments? 25 A. Ultimately Frank Lombardi got it. I'm</p>	<p style="text-align: right;">Page 41</p> <p>1 sure he was assisted by other detectives, other -- 2 his supervisors, his sergeants would have been 3 involved as well, but he was the lead detective. 4 Q. And at the time his position was 5 detective? 6 A. Correct. 7 Q. And do you know how long after the 8 meeting the assignment to Detective Lombardi 9 occurred? 10 A. I don't. 11 Q. And you knew Detective Lombardi 12 previously of course from being in the same 13 department together? 14 A. Correct. 15 Q. And by the way, when the meeting 16 occurred, you were not yet chief, right? You were 17 deputy chief, is that right? 18 A. Correct. At the time the current 19 chief, Andrew Lavoie, was on what we call terminal 20 leave. He was on time off between the time of his 21 vacation time, unused vacation and sick time, and 22 the time of his retirement, so I was acting in the 23 role of -- still a deputy chief, but I was 24 acting -- I guess you call it acting chief. It 25 wasn't an official title.</p>



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<p style="text-align: right;">Page 42</p> <p>1 Q. Had you yet been appointed to become</p> <p>2 the chief?</p> <p>3 A. Yes, in June I would have, because I</p> <p>4 believe I was promoted August 1st, I believe. So,</p> <p>5 yes.</p> <p>6 Q. And that appointment was by the police</p> <p>7 commission, I believe; is that right?</p> <p>8 A. Correct.</p> <p>9 Q. Did the police commission also appoint</p> <p>10 you as deputy chief or was that a role that the</p> <p>11 chief had?</p> <p>12 A. That was a role that the chief had and</p> <p>13 he would have informed the police commission, they</p> <p>14 would have had to approve the promotion, but that</p> <p>15 is based solely on the chief's recommendation.</p> <p>16 Q. Okay. How did you come to learn that</p> <p>17 Detective Lombardi had been appointed to lead the</p> <p>18 investigation?</p> <p>19 A. The process would have -- I'm assuming</p> <p>20 the way the process would normally go is</p> <p>21 Captain Lehto would have informed me, whether at</p> <p>22 the morning meeting or at any other point.</p> <p>23 Q. Okay. And as the investigation went</p> <p>24 on, whether it was through these meetings or</p> <p>25 otherwise, you were generally kept apprised of</p>	<p style="text-align: right;">Page 43</p> <p>1 what was happening in the investigation, right?</p> <p>2 A. From an overall perspective, yes.</p> <p>3 Q. Now, did you have to approve any parts</p> <p>4 of the investigation?</p> <p>5 A. No. So those approvals go through the</p> <p>6 chain of command, and ultimately when the case is</p> <p>7 done, the bureau captain would review it and sign</p> <p>8 off on it. And the chief would be informed.</p> <p>9 Q. So what's the bureau captain? What's</p> <p>10 that role?</p> <p>11 A. So at the time it was a he, John Lehto,</p> <p>12 was -- he oversaw all felony investigations within</p> <p>13 the city of Nashua.</p> <p>14 Q. And this was a -- it was identified</p> <p>15 early on as a felony investigation?</p> <p>16 A. Based on the allegations -- based on</p> <p>17 the allegations and the -- what we had initially</p> <p>18 been told of the amount of fraud or loss, it was --</p> <p>19 appeared to fall under the felony category, yes.</p> <p>20 Q. When did -- you might have mentioned</p> <p>21 it, but when exactly did you become the chief?</p> <p>22 A. It was August 1st of 2019.</p> <p>23 Q. That's the kind of date we all</p> <p>24 remember, right?</p> <p>25 A. So you remember your initial hire date</p>
<p style="text-align: right;">Page 44</p> <p>1 and you remember your retirement date. Those are</p> <p>2 the two most significant dates in a police</p> <p>3 officer's current history.</p> <p>4 Q. Do you happen to own a boat?</p> <p>5 A. I do. Do I own a boat? No, but I know</p> <p>6 where you're going.</p> <p>7 Q. Yeah, what are the two happiest days of</p> <p>8 a boat owner, the day you buy it and the day you</p> <p>9 sell it. So.</p> <p>10 A. Yep. Very similar.</p> <p>11 Q. All right. I happen to have the</p> <p>12 misfortune of owning a boat, so that's why I</p> <p>13 raised that.</p> <p>14 So -- and you didn't stay as captain</p> <p>15 for a decade. You were there for a couple of</p> <p>16 years, is my understanding?</p> <p>17 A. Correct.</p> <p>18 Q. What was the date that you left, that</p> <p>19 you retired or resigned?</p> <p>20 A. I retired officially March 1st, 2022.</p> <p>21 Q. And did you go straight into public</p> <p>22 work -- I'm sorry, private work at that point?</p> <p>23 A. I did. I was on terminal leave for</p> <p>24 approximately two months, and I started -- I'm</p> <p>25 sorry, approximately three months I had terminal</p>	<p style="text-align: right;">Page 45</p> <p>1 leave time built up, so I started BAE Systems on</p> <p>2 January 2nd of 2022.</p> <p>3 Q. Now, eventually the report -- I'm</p> <p>4 sorry, eventually the investigation was completed.</p> <p>5 Do you understand some of the events that happened</p> <p>6 or the investigative -- let me rephrase that.</p> <p>7 Do you have any recollection of any of</p> <p>8 the investigative steps that Detective Lombardi</p> <p>9 and others took during the investigation?</p> <p>10 A. Not specifically. I know the</p> <p>11 investigation was progressing along quite a bit.</p> <p>12 It seemed to blossom out -- if I remember</p> <p>13 correctly, it seemed to blossom into bigger things</p> <p>14 at times. So nothing specifically other than it</p> <p>15 was being done in a timely and a thorough manner.</p> <p>16 Q. Did you receive any reports of who was</p> <p>17 interviewed at any point, that you can recall?</p> <p>18 A. I did not review any written reports,</p> <p>19 but through the daily meetings and through</p> <p>20 interactions with Captain Lehto I would have been</p> <p>21 informed, hey, we're doing this this time or this</p> <p>22 is roughly what we're doing.</p> <p>23 So, again, it was an informal process</p> <p>24 to be kept up to speed on.</p> <p>25 Q. And did you -- in your position as</p>

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<p style="text-align: right;">Page 62</p> <p>1 Q. Would he have been -- I think it was a 2 he. Would he have been a patrolman in January of 3 2021? 4 A. Yes. 5 Q. And are you familiar with, I believe, a 6 Sergeant Gilbert, if I remember correctly, is it 7 Caleb Gilbert? 8 A. Yes, I'm familiar with him. 9 Q. Do you have knowledge that they were -- 10 and there's a third person who I can't remember, 11 but do you have knowledge that they were present 12 to handle the incident with Laurie Ortolano in 13 January of 20 -- I've lost the date, too -- 2021. 14 A. I'm not sure which -- I don't remember 15 which officers responded. I know I would have been 16 told, but I don't remember who they were. 17 Q. And you wouldn't have heard from them 18 directly anyways, right? 19 A. That's correct. 20 Q. You would have heard through Rourke or 21 Bolton, or would that have even gone to another 22 step before it came to you? 23 MR. CULLEN: Just to be clear, you mean 24 Captain Bolton, right? 25 MR. MALAGUTI: Yeah, not -- thank you.</p>	<p style="text-align: right;">Page 63</p> <p>1 BY MR. MALAGUTI: 2 Q. Any relation, to your knowledge, 3 between Captain Bolton and Steve Bolton of the 4 legal department? 5 A. They are not -- they are of no 6 relations. 7 Q. I assumed so. Bolton is not a name 8 like Malaguti, it's somewhat common. 9 Okay. So do you remember what you 10 heard about the incident the first time you heard? 11 A. Sure. I remember that officers were 12 called to City Hall for a criminal trespass 13 situation. They got there, Laurie Ortolano was -- 14 up until our arrival had refused to leave an area 15 around the legal department of City Hall, and when 16 officers -- when our officers arrived and asked her 17 to leave, she left. 18 Q. Do you recall whether she was detained 19 or arrested before she left? 20 A. She was not. She complied with the 21 officers' commands. 22 Q. Now, in general, when there is a 23 trespass situation, a potential trespass 24 situation -- let's back up. I'm going to move 25 away from Laurie Ortolano for a quick minute and</p>
<p style="text-align: right;">Page 64</p> <p>1 talk generally if that's okay. And I'm going to 2 ask you questions about your philosophy as to how 3 trespass situations should be handled. 4 Do you have a general philosophy about 5 how criminal trespass situations should be handled 6 by Nashua's police officers? 7 A. Sure. 8 Q. Could you say it for us? 9 A. Yeah, if we're -- you know, if we're 10 called to a location where somebody's there, and a 11 person who has control over that space doesn't want 12 them there for a specific reason and asks them to 13 leave, the expectation is that they leave. 14 If they don't leave, we get called, and 15 we go, and we will tell them to leave. We'll talk 16 to the victim, we'll find out what the victim says 17 happened, or the controller of the property. And 18 then if the person still refused to leave, we'll 19 arrest them. If they leave, we will generally give 20 them the warning to go, because they -- they're not 21 refusing in our presence. 22 And if you're asking for the 23 philosophy, it's people -- it's very difficult in 24 the courts, particularly in Nashua, to get a 25 conviction because the victim or the controller of</p>	<p style="text-align: right;">Page 65</p> <p>1 the properties generally won't show up to testify 2 for a number of reasons. So that's generally how 3 they go. 4 Q. And when you say that typically the 5 victim will not show up to testify, are you 6 primarily referring to incidents on private 7 property, or is it both private and public 8 property? 9 A. Both public and private property. It's 10 a fairly common call for service at the Nashua 11 Police Department. 12 Q. And so sometimes when there's someone 13 who's asked to leave public property and doesn't 14 leave, you find it difficult to get cooperation 15 from the city employees who control that property? 16 A. No, our general philosophy is that's 17 not specifically toward City Hall, because city 18 property doesn't really happen as much, unless, you 19 know, say it's city parks or anything like that, 20 they generally won't show up to testify. 21 Q. Okay. Now, when it comes to -- so 22 would I be correct then in sort of encapsulating 23 what you said, which is that as a general rule -- 24 I understand there are exceptions -- as a general 25 rule, when the police show up, order the</p>



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<p style="text-align: right;">Page 82</p> <p>1 posture was in -- Ms. Ortolano was in when she was 2 in the legal office?</p> <p>3 A. I believe she was sitting down in front 4 of the door. If I remember right, that's what -- 5 that's what's coming to mind.</p> <p>6 Q. She was sitting on the floor.</p> <p>7 A. Correct.</p> <p>8 Q. Did Mr. Bolton tell you that she had 9 made threats?</p> <p>10 A. I don't believe so. I don't recall him 11 saying that she had made threats.</p> <p>12 Q. No one else in the meeting said that 13 she had made threats?</p> <p>14 A. Not that I remember.</p> <p>15 Q. Was it your position at the time that 16 you were going to stick with what the officers had 17 found and put in their papers that they had 18 created for the incident?</p> <p>19 A. Yes.</p> <p>20 Q. Do you have any reason to doubt that 21 what they said in that original incident report 22 and the supplemental narrative were anything other 23 than true and accurate?</p> <p>24 A. No, I -- I believe that they were 25 absolutely true and accurate.</p>	<p style="text-align: right;">Page 83</p> <p>1 Q. How long did the meeting with the legal 2 department last?</p> <p>3 A. Approximately a half an hour, maybe a 4 little less.</p> <p>5 Q. Now, you said that you were not going 6 to immediately arrest Ms. Ortolano. Did you say 7 anything else in terms of an investigation that 8 might follow?</p> <p>9 MR. CULLEN: Objection to form. You 10 can answer.</p> <p>11 A. I don't know the specific word, so did 12 I say the immediate -- to answer your question, I 13 don't know. My belief was that this matter was 14 closed, and we were not going to pursue further 15 charges.</p> <p>16 BY MR. MALAGUTI:</p> <p>17 Q. So I wrote down that Steve Bolton said 18 he was not satisfied, is that accurate?</p> <p>19 A. Yes.</p> <p>20 Q. And then he demanded -- I believe you 21 used the word he told you to arrest her 22 immediately?</p> <p>23 A. That's correct.</p> <p>24 Q. Go ahead.</p> <p>25 A. He didn't say immediately -- paraphrase</p>
<p style="text-align: right;">Page 84</p> <p>1 the conversation, he said that we should arrest 2 her, or you should be able to arrest her.</p> <p>3 Q. Would you consider what he said to have 4 been a demand that you arrest her?</p> <p>5 A. He was trying to present it as a 6 demand.</p> <p>7 Q. Okay, what else did he say, if 8 anything, during that up to a half an hour 9 meeting?</p> <p>10 A. That's pretty much -- the conversation 11 was about his position of us arresting her and us 12 not going to do what he said. And there was back 13 and forth, and I don't remember specific 14 conversations or specific words that were used, but 15 he wanted us to have her arrested, and at that time 16 I was not of the opinion that we would be 17 arresting her.</p> <p>18 Q. And did you say anything else that you 19 haven't already told us?</p> <p>20 A. Not that I know of, no.</p> <p>21 Q. Now, was the meeting being audio or 22 video recorded, to your knowledge?</p> <p>23 A. To my knowledge, no.</p> <p>24 Q. Did you notice whether anyone was 25 taking notes of the meeting?</p>	<p style="text-align: right;">Page 85</p> <p>1 A. I don't notice -- I did not notice.</p> <p>2 Q. Now, you're the -- you were then the 3 chief, so you're not the kind of person who would 4 rush back and file an incident report, I would 5 imagine, would that be correct?</p> <p>6 A. That's correct.</p> <p>7 Q. Did you, upon returning to your office, 8 create any written documents in regard to the 9 meeting?</p> <p>10 A. I don't believe I did. I generally as 11 the chief didn't do documents based on meetings.</p> <p>12 Q. And did you discuss the meeting with 13 any of your command staff or anyone else in the 14 police department?</p> <p>15 A. Sure. I don't remember specifically 16 who was present, but it's something I would have -- 17 it's a conversation I would have had with -- if 18 Kevin Rourke was with me at the meeting, we would 19 have talked about, again, I don't remember if he 20 was there or not, but if not, we would have talked 21 about it back in my office.</p> <p>22 Q. Do you remember if the meeting came up 23 at one of the morning meetings?</p> <p>24 A. At the meeting, no. That's generally 25 not something I would discuss.</p>



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<p style="text-align: right;">Page 86</p> <p>1 Q. Were there further conversations with</p> <p>2 Steve Bolton or anyone on his staff between the</p> <p>3 time you left that meeting and when Ms. Ortolano</p> <p>4 was actually arrested?</p> <p>5 A. No.</p> <p>6 Q. Now, when you were dealing with</p> <p>7 Mr. Bolton and the tall red-headed attorney and</p> <p>8 others, is it fair to say that there was no</p> <p>9 attorney-client relationship because they -- you</p> <p>10 considered them to be the victims rather than</p> <p>11 attorneys?</p> <p>12 MR. CULLEN: Objection to form. You</p> <p>13 can answer.</p> <p>14 MR. MALAGUTI: No, that's a bad</p> <p>15 question, so let me reform it.</p> <p>16 BY MR. MALAGUTI:</p> <p>17 Q. Is it fair to say that you did not</p> <p>18 consider there to be an attorney-client</p> <p>19 relationship with anyone in the legal department</p> <p>20 regarding the January 22nd incident?</p> <p>21 A. Yes.</p> <p>22 Q. In fact, you told us early on that</p> <p>23 there are very limited circumstances by which</p> <p>24 there's an attorney-client relationship with the</p> <p>25 city legal department and the police department?</p>	<p style="text-align: right;">Page 87</p> <p>1 A. Correct.</p> <p>2 Q. You got further communications from the</p> <p>3 legal department -- and let me reframe that.</p> <p>4 To your knowledge, did you or anyone at</p> <p>5 the police department get further communications</p> <p>6 from the legal department between the time that</p> <p>7 the meeting occurred and Ms. Ortolano was</p> <p>8 arrested?</p> <p>9 A. I don't -- I don't recall specifically</p> <p>10 getting any myself. I know that there were several</p> <p>11 conversations back throughout this entire ordeal,</p> <p>12 not just this arrest, where Bolton would contact</p> <p>13 the legal department, and I believe it was Captain</p> <p>14 Brian Kinney at the time, or Lieutenant Kinney.</p> <p>15 There was some -- I think some conversations there</p> <p>16 that he let me know about.</p> <p>17 Q. Captain or Lieutenant Brian Kinney, was</p> <p>18 he in the police legal department or was he in</p> <p>19 some other department?</p> <p>20 A. He was part of the Nashua police legal</p> <p>21 department.</p> <p>22 Q. Was he an attorney?</p> <p>23 A. No.</p> <p>24 Q. Did -- it sounds like he got promoted</p> <p>25 to captain, he might have been a lieutenant at the</p>
<p style="text-align: right;">Page 88</p> <p>1 time, so I'll just call him Brian Kinney.</p> <p>2 Did Brian Kinney tell you the content</p> <p>3 of those conversations between himself and</p> <p>4 Steve Bolton?</p> <p>5 A. The conversation, I don't recall him</p> <p>6 telling me specifically, but it would have gone to</p> <p>7 his captain up to the deputy to me.</p> <p>8 Q. And you don't remember anything that</p> <p>9 was said?</p> <p>10 A. No.</p> <p>11 Q. Admittedly, by the time it reached you</p> <p>12 second or third-hand?</p> <p>13 A. Correct.</p> <p>14 Q. Do you remember the nature of what was</p> <p>15 said?</p> <p>16 A. I don't. I -- no, I remember the</p> <p>17 conversation with Bolton, and we held firm that we</p> <p>18 weren't going to pursue charges, and that's -- I</p> <p>19 knew there was back and forth, but I don't remember</p> <p>20 what they specifically were.</p> <p>21 Q. Did you understand that Steve Bolton</p> <p>22 was advocating for the arrest of Laurie Ortolano</p> <p>23 when he spoke with Brian Kinney?</p> <p>24 A. I believe so. I know for a fact he was</p> <p>25 advocating for it when we had our meeting.</p>	<p style="text-align: right;">Page 89</p> <p>1 Q. At some point did the police department</p> <p>2 open an investigation into whether Laurie Ortolano</p> <p>3 should get arrested?</p> <p>4 A. Yes.</p> <p>5 Q. How soon was that after the meeting at</p> <p>6 Bolton's office?</p> <p>7 A. I don't know specifically. If I had to</p> <p>8 guess, it was within a week.</p> <p>9 Q. Do you know why the investigation was</p> <p>10 opened?</p> <p>11 A. I do.</p> <p>12 Q. Why?</p> <p>13 A. I was advised by my deputies that they</p> <p>14 wanted to open an investigation to re -- to relook</p> <p>15 at the case because of a social media post that</p> <p>16 Ms. Ortolano had posted, but if I remember right,</p> <p>17 she was bragging about refusing to leave, and</p> <p>18 not -- not obeying the commands of what the person</p> <p>19 who had control of the property did, meaning the</p> <p>20 legal department.</p> <p>21 Q. You understand that Ms. Ortolano has a</p> <p>22 First Amendment right to post on social media?</p> <p>23 A. I do.</p> <p>24 Q. You understand that Ms. Ortolano has a</p> <p>25 right to post even offensive material under the</p>

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<p>1 First Amendment on social media?</p> <p>2 A. Yes, sir, I do.</p> <p>3 Q. You understand that unless</p> <p>4 Ms. Ortolano's postings constitute some form of</p> <p>5 unprotected speech that she cannot be regulated in</p> <p>6 that speech, as a general matter?</p> <p>7 A. Yes, sir.</p> <p>8 Q. Do you believe it would be wrong for</p> <p>9 the Nashua Police Department to arrest Laurie</p> <p>10 Ortolano because of social media posts they made?</p> <p>11 A. I can't answer that question because</p> <p>12 the answer is it's possible. If she's -- we're not</p> <p>13 arresting her based on anything she's just saying</p> <p>14 in there.</p> <p>15 Q. Can you elaborate on that?</p> <p>16 A. The decision, from what I understand,</p> <p>17 to arrest was her admission of committing the</p> <p>18 crime. She went on her social media post and</p> <p>19 admitted to refusing to obey those commands, and</p> <p>20 for us the discussion, if I remember correctly,</p> <p>21 was, well, she's admitting to a crime, we don't</p> <p>22 need a witness to necessarily come forward, she's</p> <p>23 making her own self-admissions, so we will charge</p> <p>24 her, and I supported that decision.</p> <p>25 Q. Now, when you say that she wasn't</p>	<p>1 obeying, are you talking about the command to</p> <p>2 leave given by people in the legal department, or</p> <p>3 by the police officers at the scene?</p> <p>4 A. People in the legal department.</p> <p>5 Q. Didn't we discuss a short while ago</p> <p>6 that as a general proposition if the people</p> <p>7 cooperate with the police officers when they</p> <p>8 arrive, even though they had refused to leave</p> <p>9 until then, that the police may not trespass them,</p> <p>10 but will not generally arrest them for trespass?</p> <p>11 A. Yes, we did.</p> <p>12 Q. Why didn't that happen here?</p> <p>13 A. So if I -- if I understand their</p> <p>14 thought process correctly, she was admitting to</p> <p>15 committing the crime, bragging about committing the</p> <p>16 crime, and the concern was that the bragging and</p> <p>17 the admissions occurred after the warning and the</p> <p>18 no trespass, and the thought was that she was</p> <p>19 pretty vocal about it, and there was a concern that</p> <p>20 it would be a repeat offense, and the decision was</p> <p>21 made to arrest her for it.</p> <p>22 Q. And you said your deputies advocated</p> <p>23 for the arrest?</p> <p>24 A. Well, it wasn't -- it was not their</p> <p>25 decision to make. I don't -- it would have been</p>
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<p>1 made at a lower level.</p> <p>2 So I'm not sure who made the decision</p> <p>3 to arrest, whether it was the patrol sergeant or</p> <p>4 the supervisors or whom it was, but typically that</p> <p>5 would not be a decision made by the deputies.</p> <p>6 Q. So did I misunderstand you when you</p> <p>7 said that your deputies were advocating to have</p> <p>8 her arrested?</p> <p>9 A. No, they were telling me about what the</p> <p>10 social media posts, and part of the discussion</p> <p>11 involved, well, they wanted to arrest her, is it</p> <p>12 legal, can we do it, should we do it. Those are</p> <p>13 the processes that came up, the discussion that</p> <p>14 we had.</p> <p>15 Q. So they were not taking a position</p> <p>16 on it?</p> <p>17 A. Correct.</p> <p>18 Q. They were reporting what their</p> <p>19 subordinates were advocating?</p> <p>20 A. Correct.</p> <p>21 Q. And it's obviously in the police</p> <p>22 papers, but do you remember who the advocates were</p> <p>23 for her arrest?</p> <p>24 A. I don't, but if it's in the police</p> <p>25 report, I would verify it.</p>	<p>1 Q. And you eventually -- well, let me ask</p> <p>2 you this. Was it your decision to be made?</p> <p>3 A. No.</p> <p>4 Q. Did you check off on the decision, in</p> <p>5 your mind?</p> <p>6 A. I had my opinion, but it wasn't a</p> <p>7 direction I told anybody, it was not an order to</p> <p>8 give anybody.</p> <p>9 Q. And you voiced that opinion?</p> <p>10 A. I voiced it with my two deputies,</p> <p>11 correct.</p> <p>12 Q. And you assume that they sent it down</p> <p>13 the chain of command?</p> <p>14 A. No. The discussion that you -- please</p> <p>15 don't misunderstand me. The discussion with my two</p> <p>16 deputies involves the facts that the officers were</p> <p>17 given and us exchanging back and forth what that</p> <p>18 looked like, what that meant, what the options</p> <p>19 were, what the outcomes were, just a general</p> <p>20 discussion about that incident and their decision.</p> <p>21 Q. And who were your deputies again at</p> <p>22 that time?</p> <p>23 A. I think it was Kevin Rourke and Jim</p> <p>24 Testaverde.</p> <p>25 Q. Again, I'm sorry, what was Mr. Rourke's</p>